

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By **CHAIRMAN JIM PETERSON**, on March 21, 2005 at 3:00 P.M., in Room 152 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Jim Peterson, Chairman (R)  
Rep. Christopher Harris, Vice Chairman (D)  
Rep. John (Jack) W. Ross, Vice Chairman (R)  
Rep. Debby Barrett (R)  
Rep. Norma Bixby (D)  
Rep. Dee L. Brown (R)  
Rep. Paul Clark (D)  
Rep. Sue Dickenson (D)  
Rep. George Everett (R)  
Rep. Kevin T. Furey (D)  
Rep. Gail Gutsche (D)  
Rep. Ralph Heinert (R)  
Rep. Llew Jones (R)  
Rep. Mike Jopek (D)  
Rep. Carol Lambert (R)  
Rep. Rick Maedje (R)  
Rep. Veronica Small-Eastman (D)

**Members Excused:** None.

**Members Absent:** Rep. David E. Wanzenried (D)

**Staff Present:** Joe Kolman, Legislative Branch  
Debra Polhemus, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 269, 3/9/2005; SB 377, 3/9/2005;  
SJ 9, 3/15/2005; HB 790, 3/16/2005

Executive Action: HJ 33; SB 449;

**EXECUTIVE ACTION ON HJ 33**

00:04:07 **Motion:** REP. BROWN moved that HJ 33 DO PASS.

**Discussion:**

00:04:34 REP. MAEDJE

00:05:32 **Vote:** Motion carried unanimously by voice vote with REPS. JONES, LAMBERT, DICKENSON, HARRIS and WANZENRIED voting by proxy.

**EXECUTIVE ACTION ON SB 449**

00:07:05 **Motion:** REP. ROSS moved that SB 449 BE CONCURRED IN.

**Discussion:**

00:07:25 REP. ROSS

00:07:55 REP. BROWN

00:09:41 REP. FUREY

00:10:22 REP. JOPEK

00:10:50 REP. HEINERT

00:11:05 **Vote:** Motion failed 9-9 by roll call vote with REPS. BARRETT, BROWN, EVERETT, HEINERT, JONES, LAMBERT, MAEDJE, PETERSON, and ROSS voting aye and REPS. HARRIS, DICKENSON, WANZENRIED, LAMBERT and JONES voting by proxy.

00:13:24 Break

00:17:45 Resume

**HEARING ON SB 377**

**Opening Statement by Sponsor:**

00:17:58 SEN. MIKE WHEAT (D), SD 32, opened the hearing on SB 377, Define municipal use for water use act.

**Proponents' Testimony:** None.

**Opponents' Testimony:**

00:20:41 Debra Wahlberg, Four Corners area near Bozeman

00:23:40 Eloise Kendy, Hydrogeologist, US Geological Survey

00:28:33 Mick Seeburg, Director, Association of Gallatin Irrigators

00:29:38 Tony Kolnik, also speaking for Teri Kolnik

**Informational Testimony:**

00:36:24 Jack Stults, Division Administrator, Montana  
Department of Natural Resources and Conservation

**Questions from Committee Members and Responses:**

00:39:40 REP. JOPEK

00:40:10 REP. LAMBERT returned to Committee Meeting.

00:42:16 REP. BARRETT

**Closing by Sponsor:**

00:44:22 SEN. MIKE WHEAT (D), SD 32 closed the hearing on  
SB 377.

**HEARING ON SB 269**

**Opening Statement by Sponsor:**

00:46:25 SEN. MIKE WHEAT (D), SD 32, opened the hearing on  
SB 269, Clarify definition of ground water.

**Proponents' Testimony:**

00:52:46 Jack Stults, Division Administrator, Montana  
Department of Natural Resources and Conservation

01:01:17 Mick Seeburg, Director, Association of Gallatin  
Irrigators

01:05:37 Robert T. Goffena, Chair, Dead Man's Water River  
Basin, Musselshaw also speaking for Wayne  
Brillhard

01:07:56 John McGuire, White Sulphur Springs

01:09:02 Mike Murphy, Executive Director, Montana Water  
Resources Association

**EXHIBIT (nah62a01)**

01:11:47 Kathleen Williams, League of Women Voters of  
Montana

**EXHIBIT (nah62a02)**

01:13:39 Tamara Fetty, Montana Dairy Association

01:14:12 Juanita Polston, Olm resident

01:16:10 Sarah Carlson, Montana Association of Conservation  
Districts

01:17:34 John Anderson, Rancher, Chairman, Ruby River Water  
Users Association

01:18:10 Robin Cunningham, Fishing Outfitters Association  
of Montana

01:18:38 John Wilson, Conservation Director, Trout  
Unlimited

**EXHIBIT (nah62a03)**

**EXHIBIT (nah62a04)**

01:28:37 Holly Franz, Attorney, representing PPL Montana

**Proponents' Testimony (con't):**

01:29:45 Walt Sales, Rancher, Gallatin Valley  
 01:30:42 Bob Lane, Chief Legal Counsel, Montana Fish,  
 Wildlife & Parks Department  
 01:31:29 Tony Kolnik, also speaking for Tery Kolnik

**Opponents' Testimony:**

01:32:42 John Youngberg, Montana Farm Bureau Federation  
 01:37:41 John Bloomquist, Attorney, representing Montana  
 Stock Growers Association  
 01:47:44 Mike Kaczmarek, consulting hydrologist, Morrison  
 Maierle, Inc. Engineering Firm  
 01:53:28 **SEN. BILL TASH, SD 36**  
 01:58:33 Robert Hanson, White Sulphur Springs, Vice  
 President, Montana Farm Bureau  
 02:00:13 Bill Galt, Rancher, White Sulphur Springs  
 02:01:00 Dr. David Schuett, Dillon, Farmer and Rancher

**EXHIBIT (nah62a05)**

02:06:47 Terry Lindsay, Montana Water Well Drillers  
 Association

**EXHIBIT (nah62a06)**

02:09:06 Steve Snezek, Montana Grain Growers Association  
 02:09:30 Tom Vick, former Senator, rancher from Deer Lodge  
 Valley  
 02:13:03 Bo Bradley, Twin Bridges Rancher

**Informational Testimony:**

02:14:22 Dr. Eloise Kendy, Hydrogeologist  
 02:14:36 *REP. HARRIS arrived at Committee Hearing.*

**Questions from Committee Members and Responses:**

02:15:06 **REP. EVERETT**  
 02:21:14 **REP. BARRETT**  
 02:26:09 **REP. GUTSCHE**  
 02:34:01 **REP. CLARK**  
 02:38:36 **REP. HARRIS**  
 02:41:02 **REP. HEINERT**  
 02:45:12 **REP. MAEDJE**  
 02:47:52 **REP. JOPEK**  
 02:48:35 **REP. LAMBERT**  
 02:50:41 **REP. BARRETT**

**Closing by Sponsor:**

02:53:16 **SEN. MIKE WHEAT (D), SD 32** closed the hearing on  
 SB 269.

**HEARING ON SJ 9**

**Opening Statement by Sponsor:**

02:57:02      **SEN. JON TESTER (D), SD 15**, opened the hearing on **SJ 9**, Requesting federal funds for St. Mary's project.

**Proponents' Testimony:**

02:58:41      Hal Harper, Chief Policy Advisor, Governor Brian Schweitzer

02:59:15      **SEN. GLENN ROUSH, SD 8**

03:00:04      John Bloomquist, representing Montana Stock Growers Association

03:00:32      Mike Murphy, Montana Water Resources Association

03:00:55      Sarah Carlson, Montana Association of Conservation Districts

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

03:01:36      **REP. MAEDJE**

03:02:53      **REP. BARRETT**

**Closing by Sponsor:**

03:03:16      **SEN. JON TESTER (D), SD 15** closed the hearing on **SJ 9**.

03:03:41      *VICE CHAIR ROSS assumes duties of Chairman.*

**HEARING ON HB 790**

**Opening Statement by Sponsor:**

03:03:53      **REP. JIM PETERSON (R), HD 30**, opened the hearing on **HB 790**, Interim study on split estates and coal bed methane reclamation and bonding.

**Proponents' Testimony:**

03:08:01 Hal Harper, Chief Policy Advisor, Governor Brian Schweitzer

03:08:52 **SEN. GLEN ROUSH, SD 8**

03:21:08 Roger Muggli, Tongue River Irrigation District, Miles City

**EXHIBIT (nah62a07)**

**EXHIBIT (nah62a08)**

**EXHIBIT (nah62a09)**

03:25:42 Jerome Anderson, Attorney, representing Encore Acquisition Company

03:28:04 Dixie Stark, Powder River County ranch owner

03:31:17 Ralph Montgomery, Director, Montana Land & Mineral Owner Association, Havre

**EXHIBIT (nah62a10)**

03:33:00 Tom Abzery, Attorney, representing Marathon Oil

03:34:23 Kathleen Williams, representing League of Women Voters of Montana

**EXHIBIT (nah62a11)**

03:36:43 Herbert Vasseur, President, Montana Land and Mineral Owners Association

**EXHIBIT (nah62a12)**

03:38:37 John Metropoulos, Attorney, representing Fidelity Oil and Natural Gas Company

03:40:01 Derek Goldman, Montana Audubon

03:40:41 Jeanne-Marie Souvigny, Montana Conservation Voters

**EXHIBIT (nah62a13)**

03:42:58 Sarah Carlson, Montana Association of Conservation Districts

03:43:50 Jennifer Read, resident Bozeman Pass in Gallatin County

03:46:27 Clint McCrea, Rosebud Creek resident, Rosebud County

03:50:07 Julia Page, small business owner, Gardiner

**EXHIBIT (nah62a14)**

**EXHIBIT (nah62a15)**

03:53:05 Leslie McClain, Montana Environmental Information Center

03:53:28 **SEN. KEITH BALES, SD 20**

03:57:30 Gail Abercrombie, Executive Director, Montana Petroleum Association

04:00:45 William Duffield, Executive Director, Montana Association of Oil and Gas Counties

04:01:14 Ed Bartlett, Attorney, representing Northern Alliance of Oil and Gas Producers

04:01:28 Michele Reinhart, Northern Plains Resource Council

04:02:06 Don Judge, representing Montana Chapter, Sierra Club

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

04:02:29	REP. JOPEK
04:05:27	REP. DICKENSON
04:07:35	REP. LAMBERT
04:10:15	REP. SMALL-EASTMAN
04:15:58	REP. HARRIS
04:17:16	REP. CLARK

Closing by Sponsor:

04:18:23	REP. JIM PETERSON (R), HD 30 closed the hearing on HB 790.
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**ADJOURNMENT**

Adjournment: 7:30 P.M.

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REP. JIM PETERSON, Chairman

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DEBRA POLHEMUS, Secretary

JP/dp

Additional Exhibits:

**EXHIBIT ([nah62aad0.PDF](#))**